

PROB 12B  
(7/93)

UNITED STATES DISTRICT COURT **FILED**

for

FEB 11 2011

WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY *[Signature]* DEPUTY CLERK

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Derek Levon Lowe Case Number: SA-07-CR-601(4)

Name of Sentencing Judicial Officer: Honorable Royal Furgeson, United States District Judge. Reassigned to the  
Honorable Xavier Rodriguez.

Date of Original Sentence: April 30, 2008

Original Offense: 18 USC § 1344 & 18 USC 2: Bank fraud, aiding and abetting

Original Sentence: Fifteen (15) months imprisonment, three (3) years supervised release and \$100 special  
assessment

Type of Supervision: Supervised release Date Supervision Commenced: July 23, 2010

**PETITIONING THE COURT**

To extend the term of supervision \_\_\_\_\_ years, for a total term of \_\_\_\_\_ years.  
 To modify the conditions of supervision as follows:

See attached probation form 49 for special conditions to be imposed

"If the defendant is unable to pay the restitution immediately, the defendant shall pay the entire amount of the restitution at the rate of no less than \$50 per month, due by the last day of each month beginning February 2011. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the U.S. Attorney. The defendant shall cooperate fully with the U.S. Attorney and the U.S. Probation Office to make payment in full as soon as possible."

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(7/93)

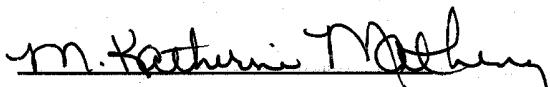
CAUSE

On September 14, 2010, the Court ordered the offender to pay a \$100 monthly restitution payment. This was based on an examination of his income and living expenses. However, there has been a recent change in the area of employment and it is not perceived the offender will be able to adhere to that payment schedule.

Based on the offender's current net income of \$750.00 monthly and an estimate of his necessary monthly living expenses and other liabilities, a monthly restitution payment of \$50 is appropriate at this time. The offender's payment schedule will be re-evaluated as needed and/or upon any changes in his monthly income.

Assistant U.S. Attorney, Mike Hardy, concurs

Approved:



M. Katherine Matheny  
Supervising U.S. Probation Officer  
Telephone: (210) 472-6590, Ext. 344

RPZ

cc: Mike Hardy  
Assistant U.S. Attorney

Victor Casillas  
Assistant Deputy Chief Probation Officer

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THE COURT ORDERS:

- No action.
- The extension of supervision as noted above.
- The modification of conditions as noted above.
- Other



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Xavier Rodriguez  
U.S. District Judge

2/11/11

Date

PROB 49  
(3/89)

UNITED STATES DISTRICT COURT  
Western District of Texas

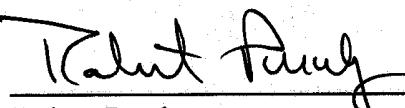
**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Terms of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

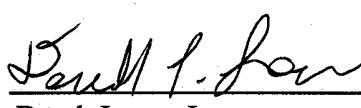
**If the defendant is unable to pay the restitution immediately, the defendant shall pay the entire amount of the restitution at the rate of no less than \$50 per month, due by the last day of each month beginning February 2011. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the U.S. Attorney. The defendant shall cooperate fully with the U.S. Attorney and the U.S. Probation Office to make payment in full as soon as possible.**

Witness:



Robert Peralez  
Senior U.S. Probation Officer

Signed:



Derek Levon Lowe

February 10, 2011

Date